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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/815,717

04/02/2004

Shalini Periyalwar

71493-1235 /aba

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11/16/2006

SMART & BIGGAR

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CANADA

EXAMINER

RAMPURIA, SHARAD K

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/815,717

Applicant(s)

PERIYALWAR ET AL.

Examiner

Sharad Rampuria

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17, 19-28 and 30-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17, 19-28 and 30-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

I. The Art Unit location of this application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Continued Examination Under 37 CFR 1.114

II. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/14/2006 has been entered.

Disposition of the claims

III. The current office-action is in response to the RCE filed on 09/14/2006.

Accordingly, Claims 18, 29, are cancelled, thus, Claims 1-17, 19-28, 30-34 are pending for further examination as follows:

Claim Rejections - 35 USC § 103

IV. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-8, 10-17, 25-28, 30-32 & 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stanforth (US 20020058502) in view of Haller et al. (US 7016648).

As per claim 1, Stanforth teaches:

A mobile station adapted to participate in wireless PMP (point-to-point) communications (e.g. ad-hoc system for cellular communication system; Paragraphs 0013, Abstract) by communicating directly with a cellular base station using cellular communications signals transmitted on a cellular spectral resource, (e.g. using within a cellular system; Paragraphs 0038, 0041, 0044).

Stanforth doesn't teach expressly, the mobile station being further adapted to participate in wireless P2P (peer-to-peer) communications by communicating directly with another mobile station using signals in form similar to the cellular communications signals and using said cellular spectral resource, wherein, the cellular communications

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signals are CDMA (code division multiple access) signals or OFDM (orthogonal frequency division multiplexing) signals. However, Haller teaches in an analogous art, that the mobile station being further adapted to participate in wireless P2P (peer-to-peer) communications by communicating directly with another mobile station using signals in form similar to the cellular communications signals and using said cellular spectral resource, wherein, the cellular communications signals are CDMA (code division multiple access) signals or OFDM (orthogonal frequency division multiplexing) signals. (e.g. CDMA; Col.4; 47-Col.5; 8, Abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Stanforth including the mobile station being further adapted to participate in wireless P2P (peer-to-peer) communications by communicating directly with another mobile station using signals in form similar to the cellular communications signals and using said cellular spectral resource, wherein, the cellular communications signals are CDMA (code division multiple access) signals or OFDM (orthogonal frequency division multiplexing) signals in order to provide a method and system for communication between two device in a short distance wireless network.

As per claims 2, 31, Stanforth teaches:

A mobile station according to claims 1, 30, wherein said cellular spectral resource comprises a downlink PMP band, and an uplink PMP band, wherein the mobile station is adapted to participate in wireless PMP (point to multi-point) communications using the downlink PMP band for receiving and using the uplink PMP band for transmitting, the mobile station being further adapted to participate in wireless P2P (peer-to-peer)

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communications using the PMP uplink band for both transmitting and receiving in a TDD (time division duplex) manner. (e.g. TDD; Paragraphs 0002, 0004, 0009, Abstract).

As per claim 3, Stanforth teaches:

As per claims 3-6, Stanforth teaches a mobile station according to claim 2 comprising: a transmitter for transmitting PMP communications and P2P communications on the uplink PMP band; a first receiver for receiving PMP communications on the downlink PMP band; a second receiver for receiving P2P communications on the uplink PMP band. (e.g. using within a cellular system; Paragraphs 0038, 0041, 0044)

As per claim 7, Stanforth teaches:

A mobile station according to claim 5 wherein said receiver is a software defined receiver. (12; Fig. 3a, 0038, 0050)

As per claims 8, 9-12, 15-16, Stanforth teaches:

A mobile station according to claim 1 further adapted to maintain linked state transitions between states for PMP communications and at least one state for P2P communications. (e.g. using within a cellular system; Paragraphs 0038, 0041, 0044)

As per claim 13, Stanforth teaches:

A mobile station according to claim 12 adapted to coordinate the setup of a P2P communications link with another mobile station by: in response to a user selection, transmitting an P2P request to the another mobile station on a P2P access channel;

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receiving an acknowledgement from the another mobile station. (e.g. using within a cellular system; Paragraphs 0038, 0041, 0044)

As per claim 14, Stanforth teaches:

A mobile station according to claim 1 adapted to transmit a frame format which includes a time slot for PMP communications and a time slot for P2P communications. (TDD; Paragraphs 0002, 0004, 0009, Abstract)

As per claims 17, 32-34, Stanforth teaches:

A mobile station according to claims 16, 31, adapted to: receive a direction from the network to enter P2P communications with another mobile station; in response to said direction, coordinate set up of P2P communications with the another mobile station; while in P2P communications, listen to PMP transmissions from the network for maintenance purposes. (e.g. using within a cellular system; Paragraphs 0038, 0041, 0044)

As per claims 21-23 Stanforth teaches a mobile station according to claim 1 further adapted to perform at least one of rate control and power control for P2P communications in cooperation with the other mobile station. (e.g. power control; Paragraphs 0002, 0004, 0009, Abstract)

Claims 25-26, 30, are the **system, method** claims corresponding to **apparatus** claim 1 respectively, and rejected under the same rational set forth in connection with the rejection of claim 1 respectively, above.

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As per claim 27, Stanforth teaches:

A cellular network according to claim 26 wherein the at least one network element comprises a base station transceiver which determines a pair of mobile stations which are communicating with each other are sufficiently close together for P2P communications due to their being located in a coverage area serviced by the base station transceiver. (e.g. using within a cellular system; Paragraphs 0038, 0041, 0044)

As per claim 28, Stanforth teaches:

A cellular network according to claim 26 wherein the at least one network element comprises a base station controller and a plurality of base stations which determine a pair of mobile stations which are communicating with each other are sufficiently close together for P2P communications due to their being located in a coverage area of base stations serviced by the base station controller. (e.g. using within a cellular system; Paragraphs 0038, 0041, 0044)

Claims 9 & 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stanforth and Haller further in view of Raffel et al. [US 20030050090].

As per claim 9, the above combination teaches all the particulars of the claim except the states for PMP communications comprise dormant, standby and active. However, Raffel teaches in an analogous art, that a mobile station according to claim 8 wherein the states for PMP communications comprise dormant, standby and active, and

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wherein P2P communications are permitted when the mobile station is in one of the PMP states dormant and standby. (Pg.8; 0065) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Stanforth including the states for PMP communications comprise dormant, standby and active in order to provide a multiple mode for a mobile device.

As per claim 33, the above combination teaches all the particulars of the claim except maintaining linked state transitions between states for PMP communications and at least one state for P2P communications. However, Raffel teaches in an analogous art, that a method according to claim 31 further comprising: maintaining linked state transitions between states for PMP communications and at least one state for P2P communications. (Pg.8; 0065) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Stanforth including maintaining linked state transitions between states for PMP communications and at least one state for P2P communications in order to provide a multiple mode for a mobile device.

Claims 19-20 & 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stanforth and Haller further in view of Karr et al. (US 20040102215).

As per claims 19-20, the above combination teaches all the particulars of the claim except to perform signaling to set up P2P communications with another mobile station using an access channel having a defined long code mask announced by a network controlling said spectral resource. However, Karr teaches in an analogous art, that a mobile station

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according to claim 1 further adapted to perform signaling to set up P2P communications with another mobile station using an access channel having a defined long code mask announced by a network controlling said spectral resource. (Pg.6; 0066) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Stanforth including to perform signaling to set up P2P communications with another mobile station using an access channel having a defined long code mask announced by a network controlling said spectral resource in order to provide system and apparatus for performing broadcast and localcast communications.

As per claim 24, the above combination teaches all the particulars of the claim except a mobile station according to claim 1 further comprising at least one steerable antenna which is steered for use in P2P communication or PMP communications. However, Karr teaches in an analogous art, that a mobile station according to claim 1 further comprising at least one steerable antenna which is steered for use in P2P communication or PMP communications. (Pg.3; 0032)

Response to Arguments

V. Applicant's arguments with respect to claims 1-17, 19-28, 30-34 has been fully considered but is moot in view of the new ground(s) of rejection.

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Conclusion

VI. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on M-F. (8:30-5 EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or EBC@uspto.gov.



Sharad Rampuria
Patent Examiner
Art Unit 2617